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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA, ) No. CR 07-00013 RMW  
12 )  
Plaintiff, ) **STIPULATION TO CONTINUE**  
13 ) **HEARING AND EXCLUDE TIME;**  
v. ) **[] ORDER**  
14 )  
ANTONIO RODRIGUEZ-REYES, )  
15 )  
Defendant. )  
16 )

17 Defendant and the government, through their respective counsel, hereby stipulate that,  
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for  
19 Monday, January 14, 2008, should be continued to January 28, 2008. The continuance is  
20 requested to allow for additional investigation by both parties with respect to a venue issue, and  
21 to allow time for defense counsel to discuss settlement with the defendant.

22 The parties further agree that time should be excluded under the Speedy Trial Act from  
23 January 14, 2008, to January 28, 2008, because the defense and the government require time for  
24 investigation and preparation, and the ends of justice outweigh the defendant's and the public's  
25 need for a speedy trial.

1 Dated: 1/10/08

/s/  
LARA S. VINNARD  
Assistant Federal Public Defender

3 Dated: 1/11/08

/s/  
JOSEPH FAZIOLI  
Assistant United States Attorney

5  
6 **ORDER**

7 The parties have jointly requested a continuance of the hearing set for January 14, 2008,  
8 on grounds that the parties require additional time to investigate in respect to a venue issue and  
9 for defense counsel to have additional time to discuss settlement with the defendant.

10 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
11 presently set for January 14, 2008, be continued to January 28, 2008, at 9:00 a.m.

12 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time  
13 from January 14, 2008, to January 28, 2008, shall be excluded from the period of time within  
14 which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

15 Dated: 1/17/08

*Ronald M. Whyte*  
RONALD M. WHYTE  
United States District Judge